

## **CHAPTER 15.52**

### **Park Development Impact Fees**

#### **15.52.010 Parks and playgrounds -- City Council authority.**

The City Council may acquire, accept dedications and gifts of, develop and maintain areas for City parks, trails and open space. (Ord. 181-02: 361-77)

#### **15.52.020 Park fees – purpose.**

In order to provide or to assist in providing the financing required to acquire, develop and maintain City parks, trails and open space, Park Impact Fees are established by the City Council by Ordinance to be paid by property owners desiring to develop property. (Ord. 181-02: 1109-98: 901-94: 596-84: 361-77)

#### **15.52.030 Park impact fee study.**

The City commissioned a Parks and Recreation Master Plan, which included an impact fee study in March of 2000, to update the amounts charged for the Park Development Impact Fee. (Ord. 181-02)

#### **15.52.040 Calculation of fees.**

The fees calculated in the 2000 study are directly related to the capital requirements likely to be imposed on the Parks and Recreation Department in order to serve new growth at service levels consistent with those currently found in the community. (Ord. 181-02)

#### **15.52.045 Park Development Impact Fees – schedule of amounts.**

Effective January 1, 2014, the Park Development Impact Fees shall be as follows:

- A. For each single-family dwelling, four thousand six hundred four dollars (\$4,604.00);
- B. For each dwelling unit in a duplex, apartment building, or in any other residential structure other than a motel or hotel, four thousand six hundred four dollars (\$4,604.00);
- C. For each space in a mobile home park or community, four thousand five hundred sixteen dollars (\$4,604.00);
- D. Exception: Any detached accessory structures related to residential uses described in Subsections A through C as listed above shall be exempt from this fee. (Ord. 577-13 §3; Ord. 544-12 §3; Ord. 529-11: 477-09: 458-08: 417-07: 391-06: 359-05: 302-04: 240-03: 183-02)

#### **15.52.050 Park fees – paid with building permit.**

Park fees shall be due when the building permit fee is paid. (Ord. 181-02: 361 77)

#### **15.52.060 Waiver authorized when.**

The City Council may waive the requirement of park fees otherwise payable by any property owner who is willing to transfer to the city a parcel of land, if the City Council determines:

- A. That the parcel of land is suitable for park purposes;
- B. That the parcel of land is above and beyond the required park land dedication requirements as stipulated in Chapter 16.42 of this Code.
- C. That the person otherwise obligated to pay the park impact fee is the fee simple owner of the parcel and has marketable title thereto; and
- D. That the market value of the parcel exclusive of all liens and encumbrances is equal to or greater than the total park impact fee that otherwise would be payable. (Ord. 181-02: 361 77)

#### **15.52.070 Disposition of funds.**

- A. Except as hereinafter provided, all park fees shall be credited to a separate fund, to be known as the "Park Development Impact Fund."
- B. Nothing in this Chapter shall prohibit the City Council from appropriating funds from the general revenues of the City for acquisition, development and maintenance of parks, trails and open space. (Ord. 181-02: 361 77)

#### **15.52.080 Applicability of new fee amounts.**

This fee shall apply to all building permits issued and paid for after the effective date of this fee adoption. Any building permit application shall not be considered complete unless and until (1) all of the required information and submittal materials, in the amounts and dimensions required by this code, have been submitted to and received by the city department or official specified in this code; and (2) the Planning Division has certified the application as complete. The decision of the Planning Division with respect to completeness and applicability of submittal requirements shall be final. (Ord. 181-02)

#### **15.52.090 Eligibility for impact fee credits.**

If developers construct or provide any park facilities or equipment, utilizing acceptable design and construction methods approved by the Director of Parks and Recreation and adhering to any applicable sections of Chapter 16.42 of the Evans Municipal Code, which would serve new growth within the City, they may apply to receive an appropriate credit equal to the dollar amount of the facilities or equipment provided, not to exceed a total amount of a calculated percentage of impact fees they would have been required to pay under the existing fee schedule. (Ord. 181-02)

#### **15.52.100 Updating fees for inflation.**

Annually, the fees will be updated and adjusted, by ordinance, to reflect inflation utilizing the most recent factor in the most recent period for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area. (Ord. 181-02)

#### **15.52.110 Violation; penalty.**

Any person who violates any of the provisions of this chapter is guilty of a violation of this Chapter and shall be punished as provided in Section 1.16.010 of this Code. (Ord. 181-02: 842-92: 361-77)